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craved of the editors the space to comment briefly on Dr. Scott's book. Among those who are familiar with the author's brilliant work at the Second Hague Conference, especially with the remarkable series of addresses delivered by him in that distinguished assemblage, and with his numerous and varied contributions to the *American Journal of International Law*, of which he is the editor, his reputation as an international lawyer and writer needs no defense. The appraisal of his book may safely be left to his colleagues at the Hague, to the distinguished Secretary of State under whose wise and inspiring leadership the American delegation acted, and to the masters of international law who have united in praising it. A work that has received the approval of such international jurists as de la Pradelles in France, Nys in Belgium, Oppenheim in England and Baldwin in the United States, may well be regarded as secure in the esteem of the profession.

In truth the book is worthy of this high commendation. It is a clear, connected and interesting account of the work of the two Hague Conferences, displaying on every page wide learning and the sure touch of a master. But it is more than this. As Professor Oppenheim points out,¹ "The author * * * refuses to play the part of a simple spectator and recorder, but exercises also the tasks of an acute critic and a wise counsellor." The work is, therefore, a real contribution to the history of international relations, as sound in its philosophy as it is acute and penetrating in its criticism.

In its literary form the book is not unworthy of its theme. The author is master of a vigorous style which is always clear and which occasionally rises to real eloquence of expression. That the work is not wholly free from faults of style, that it contains some redundant matter and some repetitions and that its purity is sometimes marred by an infelicitous turn of expression, may be admitted without serious abatement of our admiration for its many excellences. It is a good, honest piece of work and deserves a permanent place in the literature of diplomacy and international law.

George W. Kirchwey.

THE LAW OF PERSONS AND DOMESTIC RELATIONS (HORNBOOK SERIES).
By WALTER C. TIFFANY; 2nd Ed. by ROGER W. COOLEY. St. Paul,
Minn.: WEST PUBLISHING Co. 1909. pp. xiii, 656.

This text book on the Law of Persons and Domestic Relations follows the well known general plan of the Hornbook Series. Each section is headed by a concise statement of leading principles in black letter type, which in turn "is followed and illustrated by a fuller treatment in the subsidiary text," and the authorities are given in the foot notes. For a book of this character, obviously designed for the beginner, the citations are just about full enough to be serviceable. There is much to commend the exhaustive citation of authorities in a work purporting to represent original research on the part of the author and designed to be a complete treatise on the particular branch of the law to which it is devoted. However, the reader will probably remember his own experience while a student with text and case-books in which each leading case or principle was followed by compendious foot notes informing him that what he had just read

¹3 *American Journal of International Law* 1055.

might not be the law after all. Feelings of despair are usually followed in such case by sheer and cynical contempt for the foot notes altogether, with the result that they are never read. The work before us appears to have struck just the right mean. The faults and advantages of the Hornbook arrangement have been so often pointed out that it is unnecessary to allude to them here.

Thirteen years have passed since the first edition of this book, and, as Mr. Cooley says in the preface, very few changes have taken place in the law of persons and domestic relations in that time, and therefore no change has been made in Mr. Tiffany's general treatment of the subject; "the only material additions are in that portion of the work dealing with the separate property of married women and the addition of a section relating to the extraterritorial effect of divorce." The author attempts in the latter section, in practically less than three full pages, to dispose of the extremely complicated jurisdictional questions arising under "the full faith and credit" clause of the Federal Constitution, as applied to foreign decrees of divorce. He conveys an erroneous impression when he says, "The Courts of New York * * * have gone to the other extreme, and, on the theory that the proceeding for divorce is a proceeding *in personam*, have held that a divorce obtained in a state where the plaintiff alone is domiciled is of no extraterritorial effect, unless the defendant was personally served with notice within the jurisdiction of the court granting the decree, or voluntarily appeared and submitted to the jurisdiction."

It is open to question whether this is a correct statement of the law of New York. Since the reversal of the Court of Appeals by the Supreme Court of the United States in the case of *Atherton v. Atherton*,¹ the validity of a foreign decree of divorce obtained without personal service of voluntary general appearance, probably depends in New York upon three elements, (1) The domicile of the plaintiff, (2) The domicile of the defendant, and (3) The matrimonial domicile. The plaintiff must be domiciled in the state of the forum, and either the other party must also be domiciled there or the matrimonial domicile—that is the last joint domicile of the parties before separation—must also be in that state. Under these circumstances, a foreign decree of divorce in which jurisdiction was obtained without personal service or voluntary general appearance, but in accordance with the law of the forum, would probably be declared valid in New York. *Callahan v. Callahan*.² Nothing to the contrary appears in *Olmsted v. Olmsted*,³ for in that case, while the plaintiff was domiciled in the state of the forum, the defendant was not, nor was the matrimonial domicile there.

The book displays no originality of treatment and cannot of course take the place of such standard works as "Bishop on Marriage and Divorce" and "Schouler on Domestic Relations." However, it will probably be hailed with delight by the Law School student for cram purposes before final or bar examination, and will prove useful to the beginner.

A. B. A. B.

¹(1900) 181 U. S., 155; reversing (1898) 155 N. Y., 129.

²(N. Y., 1909) 65 Misc., 172.

³(1908) 190 N. Y., 458.